

Notice of Allowability

Application No.

09/695,813

Examiner

Dwin M. Craig

Applicant(s)

HUNT ET AL.

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/18/05.
2. ☒ The allowed claim(s) is/are 1-4, 6, 10-20, 22, 23, 25-28, 30 and 32.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

And

EXAMINER'S REASONS FOR ALLOWANCE

1. Claims 1-4, 6, 10-20, 22-23, 25-28, 30 and 32 are allowed.
2. Claims 5, 7-9, 21, 24, 29 and 31 are cancelled.

Examiner's Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:

Claims 1-4, 6, 10-20, 22-23, 25-28, 30 and 32 are allowable for at least the reasons cited below.

3.1 As regards independent claims 1 and 23 and using independent claim 1 as an example, the following limitations in combination with other limitations are neither anticipated nor made obvious by the prior art, "*designing a distributed computer system*" and "*a port that is represented of a service access point*" and "*a wire that is representative of an allowable communication between two or more ports*". The Examiner notes that the combination of Applicants' instant amendments to the claims and the arguments set forth in the 10/18/2005 responses have been in combination persuasive. The Examiner further notes that Applicants' have provided a special definition of the terms "*port*" and "*wire*" by teaching the data structures in figure 2 items 226 and 224.

3.2 As regards independent claims 14, 28, and 30 and using independent claim 14 as an example, the following limitations, in combination with other limitations are neither anticipated nor made obvious by the prior art, "*designing a distributed computer system*" and "*the model*

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components having an associated schema” and “converting the scale-independent application into a blueprint that specifies the computers and the software programs to physically implement the application.” The Examiner notes that the combination of Applicants’ instant amendments to the claims and the arguments set forth in the 10/18/2005 responses have been in combination persuasive.

3.3 As regards independent claim 32 the following limitations, in combination with other limitations are neither anticipated nor made obvious by the prior art, *“means for enabling a developer to design a distributed computer system as least in part by representing hardware and software resources as model components”* and *“means for specifying how the hardware and software resources represented by the model components are specified”*. The Examiner notes that the combination of Applicants’ instant amendments to the claims and the arguments set forth in the 10/18/2005 responses have been in combination persuasive. The Examiner further notes that Applicants’ have invoked 35 USC § 112 sixth paragraphs and that Applicants’ are drawing structural support for the limitation, *“means for specifying how the hardware and software resources represented by the model components are specified”* from the data structures in figure 2 of the specification.

3.4 Dependent claims 2, 3, 4, 6, 10, 11, 12, 13, 15, 16, 17, 18, 19, 20, 22, 25, 26 and 27 are allowed for at least the reason that they depend upon an allowed base claim.

3.5 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,115,393 discloses a method of monitoring communications of a network by protocol (Abstract, Figure 18).

US Patent 5,845,277 discloses a method of creating network maps using a Graphical User Interface (Figure 5).

US Patent 6,230,312 discloses a method of displaying network connections using a Graphical User Interface (Figure 11).

US Patent 5,031,089 discloses a distributed computing system (Abstract).

PCT International Publication Number WO 99/63439 discloses a method of designing a data network (page 7 and Figure 1).

Hong Liu, Donald Hockney, "Visualization in Network Topology Optimization" ACM, 1992, pages 131-138, discloses a method of designing a Network.

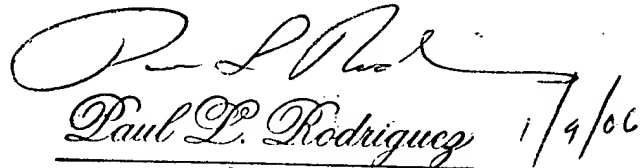
4.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwain M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 1/9/06
Primary Examiner
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